

LARRY E. EALY,

Plaintiff(s),

vs.

DAYTON POLICE OFFICER JEFF HIEBER,
in his official capacity and individually, et.al.,

Defendant(s).

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Case Number: 3:09cv117

Chief Judge Susan J. Dlott

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon Ovington filed on May 6, 2009 (Doc. 6) and June 3, 2009)Doc. 10) to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired May 27, 2009 and June 23, 2009, hereby ADOPTS said Report and Recommendations.

The Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of an Order adopting the Report and Recommendation will not be taken in good faith, and consequently, leave for plaintiff to appeal *in forma pauperis* will be denied. If so certified, plaintiff - a non-prisoner - will remain free to apply to proceed *in forma pauperis* in the United States Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

This case is hereby is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

s/Susan J. Dlott

Chief Judge Susan J. Dlott
United States District Court

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